

DENTAL BOARD OF CALIFORNIA

INITIAL STATEMENT OF REASONS

Hearing Date: May 15, 2007

Subject Matter of Proposed Regulations: Separation of the required law and ethics examination from the current application for dental licensure as required by SB 683

Sections Affected: Title 16, California Code of Regulations
Amendment: Sections 1021 and 1028
Adoption: Sections 1028.4, 1028.5 and 1028.6

Specific Purpose of each adoption, amendment, or repeal:

The purpose of the proposed amendments is to implement one of the provisions of SB 683 (Aanestad), which became law on January 1, 2007. Among other things, SB 683 requires that the law and ethics examination that is a requirement for dental licensure in California have a separate application and no other requirement than a certification from the dean of the qualifying dental school attended by the applicant that the applicant has graduated, or will graduate, or is expected to graduate. Existing regulations do not provide for a separate application or fee collection to support the law and ethics exam being given outside the clinical exam process. Candidates previously applied for the law and ethics exam with their clinical examination application or their application for licensure to practice dentistry, and completed the law and ethics exam at their clinical board examination. The Board has given the law and ethics exam at both the WREB clinical examination and at each California clinical board exam. This new requirement indicates a legislative direction to make the law and ethics exam more accessible to applicants.

Following are the amendments and additions necessary to implement a law and ethics application and process that is separate from any clinical examination.

Section 1021- Dentists. This Section sets out the fees that individuals and entities must pay to cover board costs for application, examination, licensure, and permit programs. The proposed amendment clarifies the purpose of the Section and specifies each program area overseen by the board.

Section 1021(a)-This Section is amended to specify the fee applicants pay for board costs for the initial examination application review and processing; and cites the board's statutory authority for the application review. The reference to those applicants qualifying pursuant to Section 1632(c)(2) is moved to subsection 1021(b).

Section 1021(b)-This Section is moved from Section 1021(a) to specify that the fee for applicants qualifying through WREB clinical examination is the same as for those qualifying through the California board clinical examination.

Section 1021(c)-This Section is added to specify that the application fee for the provision of SB 683 that will allow qualification for dental licensure by completion of a residency program is the same as for applicants who qualify through the WREB exam or the California clinical examination. The Board is currently working with the Department's Office of Examination Resources as specified by the bill, to ensure that the core competencies required in the certificate of completion that must be signed by the dean of the applicant's qualifying program.

Section 1021(d)-This Section is added to specify that the fee for taking the law and ethics examination is the same fee specified in current regulation for candidates re-taking only the law and ethics exam. Additional clean up of obsolete language is included in the proposed changes.

Section 1021(f)- This amendment is added to clarify that the reexamination fee is the fee that is required to retake the clinical, written or restorative technique examination.

Section 1028- Application for Licensure. This amendment specifies the statutory authority of the method of licensure covered by this Section.

Section 1028(a) – This amendment specifies the requirements for licensees qualifying for dental licensure pursuant to Section 1632(c)(1) and moves the provision for applicants qualifying by completion the WREB clinical exam to Section 1028.1.

Section 1028(a)(5) – This amendment eliminates the exception for liability insurance for applicants qualifying through Section 1632(c)(2) as this Section does not pertain to those applicants.

Section 1028(a)(5)(B) – This amendment specifies the requirements of the satisfactory evidence of liability insurance that must be provided to the board according to Section 1028(a)(5)(A).

Section 1028(a)(7) – This amendment deletes the reference to the WREB examination, as the regulations regarding this method of licensure are moved to Section 1028.1.

Section 1028(a)(9) – This amendment removes the reference to the WREB exam.

Section 1028(a)(11) – This amendment specifies what the certification from the dean of the qualifying dental school must contain, who may sign, and that it be on official school letterhead and include the seal of the Dental School.

Section 1028(a)(19) – This amendment specifies information that is collected to ensure that applicants who have failed an examination accepted for California licensure three times comply with the statutory requirements of Business and Professions Code Section 1633(b) and (c) regarding remediation.

Section 1028(a)(20)(A) – This amendment allows the collection of information that the applicant has completed the required law and ethics examination.

Section 1028(a)(5)(B) – This amendment allows the collection of information that the applicant has successfully completed the written examination required by Section 1632(a) of the Business and Professions Code.

Section 1028(b) – This amendment removes the requirement that the approved school must certify at least 15-days prior to examination that the applicant has graduated, to conform to the provisions of SB 683. Added language clarifies that certification of graduation is required for licensure eligibility.

Section 1028(c) – This amendment removes reference to the WREB exam, as the regulations regarding this method of licensure are moved to Section 1028.1. Language is added to clarify the board's procedure and the additional requirements for the applicant in order to obtain dental licensure in California.

Section 1028.1 – This Section is added to specify the requirements for applicants for dental licensure who are qualifying based upon completion of the WREB clinical exam, Section 1632(c)(2) of the Business and Professions Code.

Section 1028.1(a) – This amendment specifies the application requirements for dental licensure for applicants qualifying by completion of the WREB clinical examination.

Section 1028.1(a)(1)-This Section is added to specifically reference the fee that is required for applicants qualifying through the WREB clinical examination.

Section 1028.1(a)(2)- This Section clarifies that applicants must meet all applicable requirements contained in Section 1628 of the Code.

Section 1028.1(a)(3)- This Section allows for the collection of fingerprint processing fees and use of a Live Scan form.

Section 1028.1(a)(4)- This Section allows collection of information to ensure that all other dental practice and licensure reporting is obtained.

Section 1028.1(a)(5)- This Section adds language specifying each item of personal information required. The social security number is required pursuant to Section 30 of

the Business and Professions Code. Other information is necessary to ensure the identity of the applicant and enable to the Board to contact applicants in the event of a problem with the application.

Section 1028.1(a)(6)- This Section allows collection of a photograph of the applicant that is used for identification purposes.

Section 1028.1(a)(7)- This Section specifies the evidence of successful completion of the WREB clinical examination required by Section 1632(c)(2).

Section 1028.1(a)(8)- This Section adds language to collect information regarding the applicant's dental education to ensure qualifications are met.

Section 1028.1(a)(9)- This Section adds language to specify that the dean of the qualifying dental school must certify the applicant's date of graduation.

Section 1028.1(a)(10)- This Section adds language to require an applicant to disclose any pending or prior charges filed against a dental license or other healing arts license.

Section 1028.1(a)(11)- This Section adds language to require an applicant to disclose any pending or past disciplinary actions taken against a dental license.

Section 1028.1(a)(12)- This Section adds language to require an applicant disclose any pending investigation by any governmental entity.

Section 1028.1(a)(13)- This Section adds language to require an applicant to disclose any instances in which the applicant was denied a license, denied permission to practice dentistry or denied permission to take a dental board examination.

Section 1028.1(a)(14)- This Section adds language to require an applicant to disclose information regarding any instance in which the applicant surrendered any dental license held in another state or country.

Section 1028.1(a)(15)- This Section adds language to require an applicant disclose any convictions, infractions, misdemeanors and felonies, and specifies the information that must be disclosed.

Section 1028.1(a)(16)- This Section adds language to require an applicant disclose any default on certain specific loans.

Section 1028.1(a)(17)(A)- This Section adds language to collect additional information as necessary from applicants to determine qualifications for licensure and specifies that an applicant must successfully complete the California law and ethics examination pursuant to the provisions of Section 1632(a) of the Business and Professions Code.

Section 1028.1(a)(17)(B)- This Section adds language to specify that an applicant must provide evidence of successful completion of the written examinations pursuant to Section 1632(a) of the Code.

Section 1028.1(a)(18)- This Section adds language to require that the applicant certify that the information provided is true and correct.

Section 1028.1(b)- This Section is added to clarify that the applicant may file a partial or incomplete application containing minimum required information and the application will be processed to the extent possible.

Section 1028.1(c)- This Section is added to clarify the notification process and to inform the applicant of the requirements for issuance of a dental license number and the registration of place of practice.

Section 1028.4- This Section is added to specify that there is a separate application and process for registration of place of practice and specifies the section of the Code.

Section 1028.4(a)- This Section is added to specify the requirements for issuance of a license number and registration of place of practice.

Section 1028.4(a)(1)- This Section is added to specifically reference the fee required for application for issuance of a license number and registration of place of practice.

Section 1028.4(a)(2)- This Section is added to specify the information necessary to ensure the identity of the applicant and enable to the Board to contact applicants in the event of a problem with the application.

Section 1028.4(a)(3)- This Section adds language to require that the applicant certify that the information provided is true and correct.

Section 1028.4(a)(4)- This Section adds language to inform the applicant that the information given will become public information upon issuance of the license number.

Section 1028.5- This Section is added to specify that the application and process for completing the required California Law and Ethics examination is distinct and separate from other portions of the dental exam and licensure process, pursuant to SB 683.

Section 1028.5(a)- This Section adds language to specify the requirements for application for the California law and ethics examination.

Section 1028.5(a)(1)- This Section is added to specifically reference the fee required for taking the California law and ethics examination.

Section 1028.5(a)(2)- This Section is added to specify the information required pursuant to SB 683 that is necessary to process the application and enable to the Board to contact applicants in the event of a problem with the application.

Section 1028.5(a)(3)- This Section adds language that allows the applicant to indicate a preferred location from the examination sites available.

Section 1028.5(a)(4)- This Section adds language allowing the applicant to request any special accommodations needed pursuant to the Americans with Disabilities Act.

Section 1028.5(a)(4)- This Section adds language specifying what the certification from the dean of the qualifying dental school must contain.

Section 1028.6- This Section is added to specify that there is a separate application and process for re-taking the California law and ethics examination.

Section 1028.6(a)- This Section adds language to specify that there is a separate application required to re-take the California law and ethics examination.

Section 1028.6(a)(1)- This Section adds language to specifically reference the fee required to retake the California law and ethics examination.

Section 1028.6(a)(2)- This Section adds language allowing the applicant to request any special accommodations needed pursuant to the Americans with Disabilities Act.

Factual Basis/Rationale

The current regulations do not reflect the new statutory changes mandated by SB 683. In addition, these modifications and additions will provide a higher level of clarity and specificity to existing regulations by listing information currently collected on the application forms and citing the regulatory or statutory authority.

Underlying Data

Senate Bill 683, Chapter 805, Statutes of 2006

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

These regulations will allow applicants considering dental licensure to take and re-take the California law and ethics examination at any time two years prior to their graduation from dental school, without any requirements other than filing an application or re-application and exam or re-exam fee. These regulations provide clarity and separation of the two examination pathways to dental licensure, and subsequent registration of place of practice.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- 1) Continue the current application and examination process.
Rejected: Does not conform to law as of January 1, 2007.
- 2) Wait until all of the provisions of SB 683 can be implemented.
Rejected: Due to the bill's provision that the law and ethics examination be given as a separate application and process at any time two years prior to graduation, inaction would result in no application process for taking the required exam and preventing all applicants from becoming licensed.